

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of  
  
Terri D. Ross  
  
Respondent

Civil Citation No. 04986  
  
9816 Plowline Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on December 2, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310 (2), 13-4-201 (b)(d), failure to remove trash, junk and debris, failure to properly store garbage; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1, 428, 431, failure to tag/remove/make operable all untagged/inoperable motor vehicles on residential property zoned DR 5.5 known as 9816 Plowline Road, 21133.

On November 16, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Latoshia Rumsey-Scott issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria for Repeat Offender, for a property owner who violates the same code within the year or consecutive years. This Citation was issued on November 16, 2009.

B. Photographs in the file show three untagged vehicles; one silver PT Cruiser, and two red sports cars. Photographs show a blue Durango with at least one flat tire. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondent has exceeded this limitation. Respondent must put valid tags on the vehicles and make them operable, or remove them from the property.

C. Photographs also show a yellow commercial box truck with no license plates. A commercial vehicle exceeding 10,000 pounds gross vehicle weight or gross combination weight may not be parked on a residential lot for a period exceeding the time essential to the immediate use of the vehicle. BCZR Section 431.1. Failure to have valid tags on the box truck also violates County zoning regulations as noted above.

D. Photographs also show twenty-two full garbage bags in the driveway and yard of this residential property. Photographs show four garbage cans without lids, and at least two of the cans are overflowing with trash and garbage. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats.

D. Review of the file shows that Respondent has been issued Correction Notices and Citations for similar violations repeatedly in 2008 and 2009. The same untagged vehicles and commercial truck have been on the property since at least August 2008. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below. If the violations are not corrected, the full civil penalty shall be imposed, Respondent will be subject to additional Citation, and the County will be authorized to remove untagged vehicles and to remove any improperly stored trash and garbage, all at Respondent's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$200.00 (two hundred dollars) if the violations are corrected by December 29, 2009, with all untagged, inoperative and/or commercial vehicles removed and all garbage and trash removed or properly stored in cans with tight lids.

IT IS FURTHER ORDERED that after December 29, 2009, the County may enter the property for the purpose of removing all untagged or inoperative vehicles, at Respondent's expense.

IT IS FURTHER ORDERED that after December 29, 2009, the County may enter the property for the purpose of removing the illegally parked commercial box truck, at Respondent's expense.

IT IS FURTHER ORDERED that after December 29, 2009, the County may enter the property for the purpose of removing all garbage and trash that is not properly stored in cans with tight lids, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 10<sup>th</sup> day of December 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer